

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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|----------------------------------|------------------------------|
| KAPPA ALPHA THETA FRATERNITY, : | |
| INC.; KAPPA KAPPA GAMMA : | |
| FRATERNITY; SIGMA CHI; SIGMA : | |
| ALPHA EPSILON; SIGMA ALPHA : | |
| EPSILON—MASSACHUSETTS : | |
| GAMMA; JOHN DOE 1; JOHN DOE 2; : | |
| JOHN DOE 3, : | Civil Action No. 18-cv-12485 |
| Plaintiffs, : | |
| v. : | |
| HARVARD UNIVERSITY; PRESIDENT : | |
| AND FELLOWS OF HARVARD : | |
| COLLEGE (HARVARD CORPORATION), : | |
| Defendant. : | |

**PLAINTIFFS' NOTICE OF INTENT TO FILE OPPOSITION TO
HARVARD'S MOTION TO DISMISS AS MOOT**

Plaintiffs submit this notice to advise the Court that they will file, within 14 days under Local Rule 7.1(b)(2), a written opposition to Harvard's motion to dismiss this case as moot, which Harvard filed last evening. Dkt.59. For multiple reasons Plaintiffs will explain in their opposition, this case is not moot and Plaintiffs are entitled to judicial relief from Harvard's years-long unlawful discriminatory misconduct.¹

¹ Plaintiffs would have informed Harvard of their opposition earlier, but Harvard's counsel did not confer with Plaintiffs' counsel before filing the motion to dismiss. Harvard's counsel first contacted Plaintiffs' counsel about Harvard's rescission of the Sanctions Policy and its forthcoming motion to dismiss, via a voicemail and an email, less than an hour before filing the motion last evening, giving Plaintiffs' counsel no reasonable opportunity to respond. The letter and spirit of Rule 7.1(a)(2) require more. For example, before filing Plaintiffs' motion for preliminary or permanent injunction yesterday afternoon, Plaintiffs' counsel notified Harvard's counsel via email and a phone call on June 16, thirteen days before filing the motion.

Dated: June 30, 2020

Respectfully submitted,

**ARNOLD & PORTER
KAYE SCHOLER LLP**

By: /s/ R. Stanton Jones

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the date of electronic filing.

/s/ R. Stanton Jones

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